TRADITIONAL CONSTITUTION
OF THE
NATIVE VILLAGE OF GULKANA
ALASKA

Preamble

We, a group of Athabaskan Indians of the Native Village of Gulkana, having a common bond of interest and residence, in order to preserve and exercise the tribe's inherent sovereign rights and powers, to provide for our posterity, to conserve tribal lands and resources, to promote our welfare and encourage educational progress and, being recognized by the Federal Government as the legal governing body of the Native Village of Gulkana, do hereby ratify and establish this Tribal Constitution of the Native Village of Gulkana.

Article I. Name

This is the Constitution of the government and the people of the Native Village of Gulkana, hereinafter to be referred to as the Tribe. The Tribe shall consist of all enrolled tribal members of the Native Village of Gulkana.

Article II. Jurisdiction of Territory Served

The jurisdiction of the Tribe shall include the area within the described town site map of Gulkana Village (U.S. Survey Map 4861) and to all surrounding areas of Indian Country, if any, including all Native Allotment lands within the tribe's traditional use and access areas, to the fullest extent permitted by federal and tribal law, and shall extend to other such lands as may be hereafter added thereto under any law of the United States.

Article III. Purposes

The purposes for which this Tribe is organized are:

1. To provide community and government services to the tribal members and community residents of the Native Village of Gulkana including, but not limited to water, sewer, garbage disposal, recreational facilities, community centers and to safe guard the social and economic welfare for all its tribal members.

2. To receive and administer grant, contract and other funds for these or related purposes.

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Article IV. Membership

Section 1. Requirements. The membership of the Native Village of Gulkana shall consist of the following:

(a) All persons with Athabaskan Blood quantum of ¼ or more and whose name appears on the 1994 Ahtna census roll as registered to the Native Village of Gulkana, regardless of residency; and

(b) Upon application, all children born of tribal members as identified in section I (a), regardless of residency; and

(c) Upon application, all persons adopted by the Gulkana Village Council.

Section 2. New Members. Any person who applies for membership and who otherwise qualifies for membership, but who is enrolled as a member of another Indian tribe, may be enrolled as a member of the Native Village of Gulkana; provided that he or she voluntarily relinquishes in writing his or her membership in the other Indian tribe; and provided further that such applicant is admitted to membership by the affirmative vote of at least four (4) members of the Gulkana Village Council.

Section 3. Disenrollment. Any member of the Native Village of Gulkana who subsequently becomes a member of another tribe shall be disenrolled. Further, a tribal member may have one or more of his or her membership rights taken away for good cause shown (including being found guilty by the tribe of fraud or misconduct in his or her relations with the tribe or working deliberately against the interests of the tribe) pursuant to an enrollment ordinance adopted in accordance with the provisions of this article.

Section 4. Enrollment Committee. The Gulkana Village Council shall appoint an Enrollment Committee composed of one (1) Council and two other (2) tribal members, which shall have the responsibility of preparing and maintaining the current membership roll consistent with the provisions of this Article. The Enrollment Committee shall have the authority to recommend approval or rejection of membership applications to the Village Council.

Section 5. Membership and Enrollment Rules. The Gulkana Village Council shall have the power to enact ordinances, consistent with the provisions of this Article, covering future memberships, including adoptions and loss of membership, and suspension or adjustment of property or other privileges or rights incidental to membership.

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Section 6. Definitions

(a) *Adult* - Any person who is 18 years of age and older will be considered as an adult.

(b) *Tribal Member* - Any person enrolled in the Native Village of Gulkana.

(c) *Gulkana Village Council* - Seven persons elected by the members of the Native Village of Gulkana, who are all enrolled tribal members in the Native Village of Gulkana.

(d) *Unexcused absence* - Any absence, by a Council member, that is not satisfactorily explained in writing or verbally to the Council prior to a Council meeting shall, upon approval of the President, be an unexcused absence, unless such absence is later ratified and excused by Council vote.

Article V. The Council

Section 1. Governing Body: The governing body of the Tribe shall consist of a 7 member council known as the Gulkana Village Council and hereinafter will be referred to as the Council.

Section 2. Council Members and Officers: The Council shall consist of a President and six (6) Council members elected by the majority of adult members of the Tribe. Six (6) members of the Council shall be elected directly by the voters. The office of President is a distinct position, to be elected directly by the voters and the Council shall itself, each year, elect from its members a Vice-President, a Secretary/Treasurer and such other officers, as it may deem appropriate.

Section 3. Eligibility: Any Adult member of the Tribe shall be qualified to seek and hold office on the Council provided that she or he has been living within a fifty (50) mile radius of the Gulkana Village for at least one year directly preceding the election, unless such right to hold elective office has been lost or taken away. In any one election, a person may only seek to hold either the office of President or one seat on the Tribal Council. No person who has been convicted of a felony may be a candidate for an elective office unless they petition the Council to be certified as eligible.

Section 4. Term: Council members shall be elected by secret ballot. The term of the Council members shall be for two years.

Section 5. Council Meetings: The Tribal Council shall meet each month on a date and place to be fixed by action of the Tribal Council, and at such other times and places as may be designated by action of a majority of the Tribal Council or by the President. The President shall direct that

personal notice be provided to each Council member no less than forty-eight (48) hours prior to any meeting. A quorum to transact business shall consist of at least four (4) Council members. To be effective, a majority of the members present must vote in favor of any motion, resolution or ordinance. The Tribal Council shall keep a complete and accurate record in the form of minutes of all proceedings, including reports of actions taken at every meeting. Council actions, resolutions, and minutes shall be filed in an organized fashion, and be available for inspection by the tribal membership.

Section 6. Public Meetings: All meetings of the Tribal Council shall be open to the membership of the Native Village of Gulkana. The Tribal Council may recess at its discretion to discuss any matter in a closed or executive session so long as no final or official action is taken in the closed or executive session.

Section 7. Oath of Office: Before entering upon their official duties, all members of the Tribal Council and other tribal officers shall take and subscribe to the following oath or affirmation to be administered by a qualified officer:

> I, _____, do solemnly swear (or affirm) that I will support the customs, laws and Constitution of the Native Village of Gulkana, and I will promote and protect the best interests of the Tribe, and that I will faithfully discharge the duties of my office according to the best of my ability."

Section 8. Recall: Any or all members of the Tribal Council may be recalled by the Tribal voters if a valid petition requesting such recall and setting forth the reasons, signed by at least thirty percent (30%) of the eligible voters, is presented to the Tribal Council. The Tribal Council shall within thirty (30) days of receipt of such petition call and hold an election to consider the recall. If a majority of the voters vote in favor of the recall at an election at which at least 30% of the eligible voters participate, the Council member(s) shall be removed. No Tribal Council member may be subjected to recall proceedings more than once in the course of his or her term.

Section 9. Forfeiture: Any member of the Tribal Council who (a) submits a written resignation, (b) is convicted by any competent court of a felony or any other offense involving dishonesty while in office, (c) has his or her membership rights taken away, in whole or in part, or (d) is absent from two (2) monthly Tribal Council meetings without being excused for good cause shown, shall automatically forfeit his or her office and shall be so notified by the President in writing.

Section I 0. Removal: Any member of the Tribal Council found guilty by the Tribal Council of neglect of duty, gross misconduct in office or any offense involving dishonesty may be removed from office by the Tribal Council by

at least four (4) Council members voting by secret ballot, provided that such member shall be first given ten (IO) days notice in writing of the charges against him or her and be given an opportunity to answer such charges before the Tribal Council. No member of the Tribal Council shall preside over or vote at the meeting at which his or her removal is being considered. All questions of removal under this section shall be resolved by the Tribal Council and the decision of the Tribal Council shall be final.

Section II. Vacancies: The Council shall appoint a person who is otherwise qualified to seek and hold office to fill a vacancy caused by the death, forfeiture, removal, or resignation of a Council member. The person appointed shall serve the full unexpired term of the member and thereafter until a successor has been duly elected and seated; provided that in the event of a vacancy in the position of President, the Vice-President shall vacate his or her position and automatically serve as President until a successor President has been duly elected and seated at the next general election, provided further that in such an event the Tribal Council shall appoint a person to fill the resulting vacancy on the Council, and the Tribal Council shall thereafter elect from its members a Vice-President.

Article VI. Duties of Officers

Section 1. President. The President of the Council shall preside at all meetings of the Tribe and of the Tribal Council and shall execute on behalf of the Tribe all contracts, leases or other documents approved by the Tribal Council. The President may vote in all matters except on the matter of the President's removal or discipline. The President shall have general supervision of all other officers, employees, agents and committees and see that their duties are properly performed and shall have general responsibility for the administration of the Tribe and implementation of its ordinances and resolutions. The president shall be the official representative of the Tribe but shall make no financial or other commitment on behalf of the Tribe without the Council's approval.

Section 2. Vice-President. The Vice-President shall assist the President when called upon to do so and in the President's absence or disability shall have the rights, privileges, duties and responsibilities of the President.

Section 3. Secretary/Treasurer. The Secretary/Treasurer shall keep the minutes of all Council meetings and shall attest to the enactment of all resolutions and ordinances. The Secretary/Treasurer of the Council shall act as the President in the event both the President and Vice-President are absent from the Native Village of Gulkana or otherwise unable to act. The Secretary/Treasurer may be required at the request of the Council to give bond satisfactory to the Council.

Section 4. Other Officers. The duties of all other officers shall be specified either by the Council or President at the time of appointment. No appointed officer shall serve for a term longer than the elected officers.

Article VII. Elections

Section 1. Election Day: The annual general tribal election or meeting shall be held (on a date agreed upon by the Village Council) for the purpose of electing a new council. Subject to change by ordinance, a minimum participation of twenty percent (20%) of the eligible tribal voters shall be required for a general or specific tribal election. The existing Tribal Council shall provide at least thirty (30) days notice of such meeting or election, posted in a public place.

Section 2. Special Election: The Council shall call special elections as necessary provided that at least ten (10) days notice of such special elections is provided by posting in a public place.

Section 3. Voter Qualification: Any member of the Tribe eighteen (18) years of age or older shall have the right to vote in all tribal elections, unless such right to vote has been taken away or limited.

Section 4. Election Ordinance: The Council may adopt an election ordinance establishing rules and procedures to govern all aspects of voter registration, campaigns, nominations, candidate filings, elections, election protests, and related matters. Until the adoption of such an ordinance, elections shall be conducted according to the customs and traditions of the Tribe, except where inconsistent with this Constitution.

Article VIII. Powers of the Tribal Council

Section 1. General Powers. The powers of the Tribe shall be exercised by the Council and shall include all the inherent powers of a federally recognized tribal government, including but not limited to those specified in this Article, which do not violate Federal or Tribal law.

Section 2. Other Council Powers: The Tribal Council shall exercise the following powers by appropriate motion, resolution or ordinance, subject to any limitations, if any, imposed by the applicable laws of the United States:

a. To negotiate with tribal, federal, state, foreign and local governments and others on behalf of the Tribe and advise and consult with representatives of the United States and the State of Alaska and other states on all activities which may affect the Tribe.

b. To promote and protect the health, education, economic and general welfare of the members of the Tribe and their children, and to administer charity and such other services as may be contribute to

the social, traditional, cultural and economic development of the Tribe.

c. To levy dues, taxes or license fees by ordinance of the Tribal Council, and to otherwise raise revenue in conformance with federal and tribal law.

d. To regulate the internal affairs and procedures of the Tribal Council.

e. To encourage, guard and foster the traditional Athabaskan cultural practices of the Gulkana Indian people, including the protection of artifacts and archaeological sites and the promotion of Athabaskan arts, crafts, traditions, and language.

f. To authorize or direct subordinate boards, committees, Tribal officials, or Tribal employees to administer the affairs of the Tribe and to carry out the directives of the Tribal Council.

9. To form a federation or union with other tribes subject to approval by the Tribal voters.

h. To manage, lease, exchange, acquire, or otherwise deal with Tribal or other property, and to protect and preserve the Tribal property and the wildlife and natural resources within those areas under the jurisdiction of the Tribe.

i. To prevent the sale, disposition, lease or encumbrance of any property (including lands, waters, interests therein and all other assets) of the Tribe without the consent of the Tribal Council.

j. To make assignments of land or water areas of the Tribe for use and occupancy to citizens of the Tribe in accordance with the customs of the Tribal citizens or with the laws and regulations of the Tribe.

k. To administer any funds within the control of the Tribe.

l. To borrow and raise money by all lawful means.

m. To engage in Tribal economic development enterprises for the benefit of Tribal citizens.

n. To provide for the maintenance of law and order and the administration of justice, including through the establishment of an appropriate Tribal judicial system.

o. To safeguard and promote the peace, safety, morals, physical and general welfare of the citizens of the Tribe and their children.

p. To regulate child custody and adoptions pursuant to the Indian Child Welfare Act or other applicable federal or tribal law.

q. To employ legal counsel.

r. To organize and charter enterprises, corporations and associations, and to join or charter housing authorities.

s. To zone, exercise the power of eminent domain and otherwise regulate land use within those areas under the jurisdiction of the Tribe in accordance with federal and tribal law.

t. To regulate inheritance among citizens and their children whether by intestacy or otherwise, and other domestic relations matters.

u. To prescribe the rules and procedures necessary to give effect to any provision of this Constitution.

Section 3. Retained Powers: The powers of the Native Village of Gulkana not set forth in this constitution shall not be lost by omission. All rights and powers not delegated to the Tribal Council in this Constitution are retained by the people and may be exercised by vote of the members of the Tribe.

Section 4. Sovereign Immunity: Nothing in this Constitution constitutes a waiver of the sovereign immuni y of the Tribe. The sovereign immunity of the Tribe may only be waived by express resolution of the Tribal Council adopted upon the affirmative vote of no fewer than five (5) Council members including the President. Waivers of sovereign immunity are disfavored and shall be granted only when necessary to secure a substantial advantage or benefit for the Tribe. No resolution generally waiving the Tribe's sovereign immunity shall be valid. To be valid, a resolution waiving the Tribes sovereign immunity must be specific and limited as to its duration, the grantee, the transaction, the court having jurisdiction and the law to be applied, and, if subject to the waiver, the property or funds of the Tribe subject to the waiver. No resolution shall be deemed a general consent to the levy of any judgment, lien or attachment upon the funds or property of the Tribe other than the funds or property specifically pledged, assigned or otherwise expressly made subject to levy in the resolution.

Section 5. Actions of the Tribal Council: All ordinances, resolutions and motions (other than routine motions) shall be acted upon the Council by a roll call vote and the vote of each member shall be recorded.

Section 6. Availability of Records: All accounts, records, books, and minutes of the Tribe or Council meetings shall be subject to examination by tribal members or Council members, or the agents of the Federal or other governments having authorized business in the Native Village of Gulkana. The exception to this section are those records which are of a personal or

confidential nature as well as those matters which are of a highly sensitive manner to be determined by procedures established by the Tribal Council.

Article IX. Popular Participation in Government

Section 1. Initiative: The eligible voting members of the Tribe shall have the right to propose legislation and vote by secret ballot to determine whether it will be adopted or rejected. Upon receipt of a valid petition signed by at least thirty percent (30%) of the eligible voting members, the Council shall call an election to be conducted no later than thirty (30) days after receipt of the petition. An affirmative vote by at least a majority of the voters present or voting shall be required to determine the issues or questions submitted to the voters.

Section 2. Referendum: The Council by an affirmative vote of at least five (5) of its members shall call an election, to be conducted within thirty (30) days of such Council decision for the purpose of deciding by secret ballot, issues or questions that are within the authority of the Council. An affirmative vote by at least a majority of the voters present or voting shall be required to determine the issues or questions submitted to the voters.

Section 3. Decision of Tribal Members: The decision of the voters in both initiative and referendum elections shall be binding on the Council and the Tribe, and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

Article X. Rights of Members

Consistent with the customs, laws, and traditions of the Native Village of Gulkana, the Tribe in exercising its powers of self-government shall not deny to any person within its jurisdiction, freedom of speech, press or religion, or the right to peaceful assembly, nor shall the Tribe deny to any person the equal protection of tribal laws or deprive any person of liberty, membership or property without due process of law.

Article XI. Savings and Severability

Section 1. Savings. All enactments, official acts, customs and traditions of the Native Village of Gulkana, previously promulgated or adopted prior to the effective date of this Constitution shall remain in full force and effect to the extent, they are not inconsistent with any provision of this Constitution, and in the event of any conflict with this Constitution, the provisions of this Constitution shall control.

Section 2. Severability. The provisions of this Constitution are severable, and should any provision of the Constitution be determined by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of any other provisions of this Constitution.

Article XII Amendments

Amendments to this Constitution may be proposed by a resolution of the Council or initiative or referendum petition of the Tribe. Such amendments shall become effective when, ratified by a majority vote of eligible tribal members voting in an election called for that purpose, provided that at least thirty percent (30%) of those entitled to vote have cast their vote. Initiatives or referendum elections may be scheduled in the discretion of the Council no sooner than thirty (30) days and no later than ninety (90) days after receipt of a valid petition.

Article XIII Adoption

This Constitution, when adopted by a majority vote of the qualified voters of the Native Village of Gulkana voting at an election called for that purpose in which at least thirty percent (30%) of those entitled to vote participate, shall be effective from the date of the Tribal Council's certification of the election.

CERTIFICATION OF ADOPTION

The foregoing Constitution of the Native Village of Gulkana was submitted for adoption to the qualified voters of the Tribe and was on the 31st day of March, 2001 duly adopted / rejected by a vote of 27 for and -0- against, in an election in which at least thirty percent (30%) of the voters entitled to vote cast their ballots.

Helen L Kowan

Evelene Frank, Sec/Treasurer

Brenda Lee Lyons

4/27/02
Date